

ASSEMBLY BILL

No. 64

Introduced by Assembly Member Chávez

December 15, 2014

An act to amend Section 19780 of the Government Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 64, as introduced, Chávez. State employees: reinstatement after military service.

The State Civil Service Act requires the reinstatement of a permanent, probationary, or exempt employee who returns from active duty military service to his or her former position, as specified. Under existing law, reinstatement to an employee's former exempt position reestablishes the employee's tenure and civil service reinstatement rights, if any, as they existed immediately prior to his or her military leave.

This bill would additionally require that a reinstated civil service employee who returns from active military service and who is paid hourly to be given the same shift and number of hours worked per week as he or she worked immediately prior to going on military leave.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19780 of the Government Code is
- 2 amended to read:
- 3 19780. ~~Except as provided in Section 19781, a~~ A permanent,
- 4 probationary, or exempt employee who begins active duty within

1 90 calendar days from the effective date of his or her long-term
2 military leave or within 10 calendar days from the effective date
3 of his or her short-term or emergency military leave and who
4 returns to state service within six months after termination of
5 military service under his or her long-term military leave or within
6 10 days after termination of military service under his or her
7 short-term or emergency military leave shall be reinstated to his
8 or her former position. *Reinstatement under this section of an*
9 *employee who is paid hourly requires that the employee be given*
10 *the same shift and number of hours worked per week as the*
11 *employee had immediately prior to going on military leave.*
12 Reinstatement to an employee's former exempt position under this
13 section or Section 19783 shall reestablish the employee's tenure
14 and civil service reinstatement rights, if any, as they existed
15 immediately prior to his or her military leave pursuant to this
16 section or resignation pursuant to Section 19783. For the purpose
17 of this section any period of rehabilitation afforded by the United
18 States or the state following active duty shall be considered as
19 military service and termination of the state military emergency
20 by the Governor shall be considered termination of military service.